



Entered on Docket
September 29, 2009

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LAW OFFICE OF FRANK SORRENTINO
FRANK SORRENTINO, ESQ.

Nevada Bar No. 000421

ANTHONY V. SORRENTINO, ESQ.

Nevada Bar No. 000420

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Attorneys for Debtors

E-filed: 09-11-2009

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

RODOLFO L. RIVERA and
LINDA T. RIVERA

Debtors.

) BK-S-08-25456-LBR

Chapter 13

Trustee: Kathleen A. Leavitt

) Date: September 10th, 2009

) Time: 3:30 p.m.

ORDER GRANTING MOTION TO VALUE COLLATERAL, "STRIP OFF" AND
MODIFY RIGHTS OF EMC MORTGAGE CORP. (ACCOUNT ENDING IN 1020)
PURSUANT TO 11 U.S.C. §506(a) AND §1322

This matter of Debtors RODOLFO L. RIVERA and LINDA T. RIVERA, requesting the Court's permission to Value Collateral, "Strip Off" and Modify Rights of EMC MORTGAGE CORP. (account ending in 1020), Pursuant to 11 U.S.C. §506(a) and §1322, coming on for hearing this 10th day of September, 2009, at 3:30 p.m., with the LAW OFFICE OF FRANK SORRENTINO, appearing for Debtors RODOLFO L. RIVERA and

1 LINDA T. RIVERA, and KATHLEEN A. LEAVITT appearing as the Chapter 13 Trustee, and
2 pursuant to notice duly given, no opposition being filed by creditor, and the Court having
3 heard the representation of counsel for Debtors and the Chapter 13 Trustee, and being
4 otherwise informed, and good cause appearing therefore,

5 IT IS HEREBY ORDERED that the security interest of EMC MORTGAGE CORP.
6 (account ending in 1020) in the real property commonly known as 2416 Ozark Plateau Dr.,
7 Henderson, NV 89044, and legally described as:

8 Lot forty-six (46) in Block five (5) of Sun City Anthem Unit No. 40 as shown
9 by map thereof on file in Book 124 of Plats, Page 49 in the Office of the
County Recorder of Clark County, Nevada

10 is hereby avoided and set aside and that the claim of EMC MORTGAGE CORP. (account
11 ending in 1020) in these bankruptcy proceedings shall be treated as unsecured.

12 IT IS FURTHER ORDERED that said lien of EMC MORTGAGE CORP. (account
13 ending in 1020) on the aforementioned property will be preserved if Debtors' bankruptcy
14 case is converted or dismissed.

15 IT IS FURTHER ORDERED that the certain Deed of Trust recorded in the Office of
16 the Clark County Recorder as document number 20080602-01276 on June 2, 2008, is
17 hereby removed and expunged from the County records and shall no longer constitute a
18 lien or encumbrance upon the aforesaid real property.

19 **IT IS SO ORDERED.**

20 DATED this 11th day of September, 2009.

21 Submitted by:

22 LAW OFFICE OF FRANK SORRENTINO

CHAPTER 13 TRUSTEE

23 /s/ Frank Sorrentino

/s/ Kathleen A. Leavitt

24 By:

FRANK SORRENTINO, ESQ.
Nevada Bar #000421
1118 E. Carson
Las Vegas, NV 89101
Attorney for Debtors

By:

KATHLEEN A. LEAVITT

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1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 The Court waived the requirements of LR 9021.
- 4 I have delivered a copy of this proposed order to all attorneys and
5 unrepresented parties who appear at the hearing regarding this matter
and/or who filed a written objection and each has:
- 6 approved the form of this order;
- 7 waived the right to review the order; and/or
- 7 failed to file and serve paper in accordance with LR 9021(c)
- 8 I have delivered a copy of this proposed order to all attorneys, any trustee
9 appointed in this case, and unrepresented parties who appeared at the
hearing regarding this matter and/or who filed a written objection and all
10 have either approved the form of this order, waived the right to review the
order, failed to file and serve papers in accordance with LR 9021(c) and the
following have disapproved the form of the order:
- 11
- 12 No Opposition was filed to the motion and no other party or counsel
13 appeared at the hearing.

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